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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,832	01/23/2004	David J. Bates	999999-0043	7694

7590 12/12/2006

David J. Bates  
W230 S5868 Marcelle Drive  
Waukesha, WI 53189

EXAMINER

LEWIS, CHERYL RENE A

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/763,832

Applicant(s)

BATES, DAVID J.

Examiner

Cheryl Lewis

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is in response to the applicant's communication received on September 28, 2006.
2. Claims 1-23 are presented for examination.
3. Applicant's arguments received on September 28, 2006 have been fully considered but they are not deemed to be persuasive.

### **DECLARATION**

4. The applicant has submitted a declaration under 37 C.F.R. 1.131 in which the applicant maintains that the applicant invented the claimed subject matter before the filing date of the Fuchs published application (Fuchs et al, Publication Number: US 2004/0019542 A1).

However, the declarations filed on September 28, 2006 under 37 CFR 1.131 has been considered but is ineffective to overcome the Fuchs reference.

The applicants have submitted as evidence screenshots included in U.S. provisional application serial number 60/442,145, from which the present application claims priority.

The evidence, screenshots, submitted on September 28, 2006 is insufficient because the screenshots include data from 2002. The 2002 data included in these screenshots are not evidence. This data is not evidence that these screenshots were actually produced in 2002. These screenshots could be mere test data.

Art Unit: 2167

Exhibits B-D submitted on September 28, 2006 have not been described.

Evidence is required to **prove** that the invention worked for its intended purpose prior to 26 July 2002.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Fuchs et al. (Pub. No. 2004/0019542 A1 filed July 26, 2002, hereinafter Fuchs).

7. Regarding Claims 1, 13, 15, 18, and 20-23, Fuchs teaches a timesheet reporting and extraction system and method. The method and associated system for a timesheet reporting and extraction system as taught or suggested by Fuchs includes:

a date field configured to display a date (figure 3, element 320, paragraph 0061); a start field configured to display a starting time of a time entry (figure 3, element 325, paragraph 0061); a stop field configured to display an ending time of the time entry (figure 3, element 330, paragraph 0061); a description field configured to display a description of the time entry (figure 7, element 715, paragraph 0086); and at least one code field configured to display at least one code assigned to the time entry (figure 7,

Art Unit: 2167

element 725, 'Code – WRK', paragraph 0086, element 1185, paragraph 0092); a selector movable between each of the plurality of fields (paragraph 0054-0056); and a first actuator configured to perform at least one of a plurality of functions upon being actuated depending upon which of a plurality of fields the selector is located (paragraphs 0057-0059); a plurality of fields configured to display different types of time entry data (figure 840 and 845, paragraph 0087).

8. Regarding Claim 2, Fuchs teaches a current date in the date field (figure 6, element 630, paragraph 0083); enters a current system time in the start field corresponding to the date field (figure 3, element 325, paragraph 0061); enters the current system time plus a preselected time increment in the stop field corresponding to the start field (figure 3, element 325, paragraph 0061, figure 7, element 725, paragraph 0086); and moves the selector to the stop field corresponding to the start field (paragraph 0054-0056).

9. Regarding Claim 3, Fuchs teaches the first actuator enters a current system time in the start field when the selector is positioned in the start field (paragraphs 0054-0059, figure 3, element 325, paragraph 0061, figure 7, element 725, paragraph 0086).

10. Regarding Claim 4, Fuchs teaches the first actuator records a preceding stop time in the start field when the selector is in the start field (figure 3, element 325, paragraph 0061, figure 7, element 725, paragraph 0086, figure 840 and 845, paragraph 0087).

11. Regarding Claim 5, Fuchs teaches the first actuator copies data from at least one code field of a first time entry to at least one corresponding code field of a second time

Art Unit: 2167

entry upon actuation of the first actuator (figure 14, elements 1510, 1520, 1527, 1540, 1545, 1550, 1555, etc.).

12. Regarding Claim 6, Fuchs teaches the first actuator copies data from the description field of a first time entry to the description field of a second time entry upon actuation of the first actuator (figure 14, elements 1510, 1520, 1527, 1540, 1545, 1550, 1555, etc.).

13. Regarding Claim 7, Fuchs teaches all of the fields are simultaneously displayed (figure 2, element 245, paragraphs 0052-0058, 0086, and 0087).

14. Regarding Claim 8, Fuchs teaches input configured to record data in one of the plurality of fields in which the selector is positioned (paragraphs 0054-0056, figure 840 and 845, paragraph 0087).

15. Regarding Claim 9, Fuchs teaches the input is selected from a keyboard and a preceding field entry (paragraphs 0042-0043, figure 840 and 845, paragraph 0087).

16. Regarding Claims 10 and 14, Fuchs teaches an entry hours field configured to display an elapsed time between a corresponding start time and a corresponding stop time (paragraph 0086).

17. Regarding Claim 11, Fuchs teaches the system is configured to adjust the elapsed time based upon a pre-selected formula (paragraph 0086).

18. Regarding claim 12, the limitations of this claim has been noted in the rejection of claims 1, 7, 18, and 20-23 presented above. It is therefore rejected as set forth above.

Art Unit: 2167

19. Regarding Claim 16, Fuchs teaches the second actuator provides separate sums for billable and non-billable time for the selected date upon being activated (paragraph 0084, figure 7, elements 725, 730, and 735, paragraph 0086, and paragraph 0097).

20. Regarding Claim 17, Fuchs teaches the second actuator additionally increments a first yearly hourly total by the first daily hourly total upon being activated (paragraphs 0091-0093).

21. Regarding Claim 19, Fuchs teaches a plurality of fields configured to display time related information (figure 3, element 325, paragraph 0061, figure 840 and 845, paragraph 0087); means for selecting a first one of the plurality of fields (figure 3, element 325, paragraph 0061); and means for entering time related information in a second one of the plurality of fields based upon the selected first one of the plurality of fields and in response to actuation of an actuator (figure 3, element 325, paragraph 0061 and 0057-0059, figure 7, element 715, paragraph 0086, figure 840 and 845, paragraph 0087).

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2167

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**NAME OF CONTACT**

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

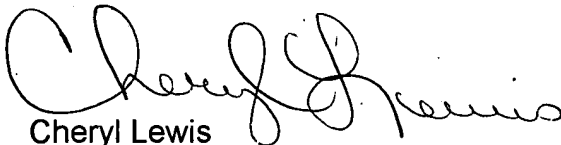


Art Unit: 2167

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, appearing to read "Cheryl Lewis".

Cheryl Lewis  
Patent Examiner  
December 7, 2006